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ESQUIRE MAR 1964

AN INQUIRY INTO THE DARKNESS OF THE CLOAK, *The Sharpness of the Dagger*

After Diem and the Bay of Pigs, after Mossadegh and Arbenz, we must recognize the CIA for what it is—and control it, says this outspoken Congressman

by Rep. John V. Lindsay

Two major reversals in our foreign policy within the last three years have shaken the poise of the Intelligence branch of the United States government to its underpinnings: the abortive adventure at the Bay of Pigs, and the blinding miasma of United States policy that arose in South Vietnam during the Diem era.

The immediate dangers past, commentators have sought to unravel the confusing web of influences in both situations. The full truth is not yet known, and may never be. Nonetheless, it seems indisputable that in both cases the three principal instruments of U.S. foreign policy—the State Department, the military, and the Central Intelligence Agency—were at crucial times pulling in separate directions.

The criticism most frequently heard is that the C.I.A. was meddling in policy, undertaking functions that were not its proper responsibility. The charge has been made that the C.I.A. was combining Intelligence gathering with active "operations," a course which carries the risk that Intelligence may be used to support prior operational decisions. It has been alleged over and over that in Vietnam, as in the Bay of Pigs, the C.I.A., with or without direction from higher authority, became enmeshed in its own intrigues. In the Bay of Pigs, the C.I.A. was found supporting a collection of Batista refugees, apparently without clear direction from the State Department. In Vietnam, it became clear that the C.I.A. was closely aligned with and subsidizing the Special Forces run by the late Ngo Dinh Nhu, an elite military force that raided the Buddhist pagodas. Responsible representatives of the press have reported strong disagreements between the State Department and the C.I.A. with regard to policy in Vietnam, and these reports must stand even beside the exaggerations of less-responsible press accounts.

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The evidence was overwhelming that U.S. policy was confused and that the divisions within agencies were being hung on the public wash line. When later our government's support swung to the insurgents who ousted Diem, this very possibly meant an about-face on the part of the C.I.A. The extent of our involvement even then is unknown, but that we were involved must seem quite possible.

Almost every qualified outsider who has examined the history of the Bay of Pigs blunder has concluded that it was founded on a haphazard jumble of foreign policy, Intelligence gathering, and military operations. The C.I.A. appears to have organized and conducted the attempt and also to have gathered the Intelligence data on which the prospects for the attempt were judged. Not only was C.I.A. shaping policy—perhaps understandable because of the absence of direction from policy-making organs of the government—but that policy was patently at odds with State Department thinking. Without fully rehearsing the baleful events that preceded the Bay of Pigs, it is perfectly clear, to understate the matter, that the President was badly served by the agencies involved.

These premises, like all of my remarks in this article, arise only from material and information available to the public. In respect to such material and information I am in the same position as other representatives of the people in Congress, with very few exceptions. All the more reason for such a representative to speak out.

To state the danger posed by the intermingling of Intelligence gathering and operations is not to say it is unrecognized by responsible officials. Able men throughout the Intelligence community are well aware of and deeply concerned by dangers arising from the absence of clear distinction between Intelligence gathering and operations. The trouble may often start, as Allen Dulles, the distinguished former head of the C.I.A. recently said, from lack of clear-cut operational policy in Washington. When a policy vacuum occurs, men in the field are almost involuntarily propelled into operational activities which are not their proper responsibility. Sherman Kent, the head of the Board of National Estimates—one of the most influential elements of the Intelligence community—makes the point this way:

"Almost any man or group of men confronted with the duty of getting something planned or getting something done will sooner or later hit upon what they consider a single most desirable course of action. Usually it is sooner; sometimes, under duress, it is a snap judgment off the top of the head. I cannot escape the belief that under the circumstances outlined, Intelligence will find itself right in the middle of policy, and that upon occasions it will be the unabashed apologist for a given policy rather than its impartial and objective analyst."

The failures of C.I.A. covert operations are well-known. Less well-known, and of equally sobering magnitude, are the successes. The C.I.A., for example, played a key part in the ousting of the Mossadegh regime in Iran in 1953, paving the way for eventual reform of the pro-Western government of the Shah. Both British and American vital interests had been threatened by the capricious Mossadegh policies, the major threat being to Britain's necessary supply of oil. The successful coup which unseated Mossadegh was of great benefit to the United States and the West.

The following year the virulently anti-American Arbenz regime in Guatemala was overthrown. The C.I.A. was widely believed to have engineered the coup. But for the success of that coup, Soviet-directed communism in Latin America would presumably be far more deeply entrenched than it is today.

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Each of these episodes demonstrates, for good or ill, the explosive nature of the C.I.A.'s operational involvement in international politics. It is not at all improbable that it will be similarly involved in the future. The cold war will be with us for a very long time; so will the C.I.A. Accordingly, our democratic government, unused to secrecy, has within it an immensely powerful and extremely expensive secret organization, for the past few years housed in a very large permanent building on the banks of the Potomac. That building represents the institutionalization of the C.I.A. in the government establishment. More exactly, it marks its positive elevation in status, always important in government. And yet there is no effective check on its activities now. And there was none in 1961.

Few can deny the actual and potential power of the C.I.A., however carefully it may be held in check by the skillful men who run it. Ours is supposed to be a government of laws, not of men. At stake are questions of war and peace, as the two Cuban crises so clearly demonstrated. All of us at that time took a look into the atomic pit. Decisions can be made at such times and actions taken about which the public is totally in the dark. So be it. As much as we may abhor government by secrecy, as much as it threatens fundamental liberties, we must understand its limited and necessary application in particular circumstances of hot or cold war. Nevertheless, crucial decisions are made for us and in our name of which we know nothing. And all too often secrecy which is necessary breeds secrecy which is unnecessary, at which point the danger becomes nothing less than a threat to democratic institutions, a marginal one at the outset, but potentially a most serious one.

The Bay of Pigs fiasco occurred despite efforts by Secretary of State Christian Herter and C.I.A. Director Allen Dulles to sort out the relations between their two agencies so that the making of foreign policy would be removed from the C.I.A., and the command of policy kept firmly in the hands of ambassadors in the field at all times. The Herter-Dulles agreement was reaffirmed by Secretary Rusk. More recently, following events in Vietnam during the Diem regime, the President found it necessary to reassert publicly his authority and that of the Secretary of State and the National Security Council over the Intelligence community. Collaterally the Secretary of State sought to assure the primacy of ambassadors in the policy area overseas.

Particular persons and particular situations may seem to define problems of this sort. But it is also the case that, as long as both the State Department and the C.I.A. are responsible for the collection of information, and—perhaps most important—as long as C.I.A. continues to be responsible for "special operations"—the support of anti-Communist elements and the fomenting of opposition to hostile governments—the problem of integrating the Central Intelligence Agency into our general foreign-policy apparatus will continue to grow in scope and potential danger.

For a time the Maxwell Taylor committee, appointed by the President to inquire particularly into the Cuban question, appears to have considered the possibility of transferring the bulk of C.I.A.'s Special Operations to the Defense Department. But this solution would have had the obvious disadvantage of ensuring that the uniformed military—and hence the authority and prestige of the U.S. government—would be identified with any paramilitary operation as soon as it became a matter of public knowledge.

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In any event, it seems that the Taylor Committee has left routine covert operations in the hands of the C.I.A., with control to be transferred to the Pentagon only if a particular project becomes so big as to warrant open military participation. Mr. Hanson Baldwin in The New York *Times* summed up the matter thus:

"The general rule of thumb for the future is that the C.I.A. will not handle any primarily military operations, or ones of such size that they cannot be kept secret. However, each case will apparently be judged on its merits; there is no hard-and-fast formula that will put one operation under the C.I.A. and another under the Pentagon."

Now surely this is an area in which neither hard-and-fast formulas nor organizational gimmicks can solve the major difficulties. Much depends on the particular situations. The people who are in the most favorable position to gather information are sometimes the best equipped to engage in clandestine political activities. But largely because the problem eludes organizational formulas, because it is a problem to which there is no simple solution, it must be recognized as such and held in check as much as possible. Problems unwatched and unattended tend to multiply.

C.I.A. is served by only one politically responsible officer: the Director himself. All others are career officials. In comparison, the President keeps ultimate control in the Pentagon by his political power to appoint all the top civilian officers there. These officials are entrusted with clear political responsibility, for which there is no parallel in the C.I.A.

There are in fact questions repeatedly raised about the C.I.A. Is it wise, for example, to rely to the extent the C.I.A. seems to on the services of retired military officers? One would suppose that retired service officers, though almost always men of great ability, would have an instinctive tendency to take a rather narrow, strictly "operational" and "efficient" view of the problems confronting them. I hope I will not be misunderstood. C.I.A. officials are among the most distinguished in the entire federal establishment. The leadership of the agency comprises men of great gifts and dedication—and I include the former military men in the agency. But recruitment of high-caliber men in large numbers is a problem in the federal government, especially in agencies whose work is international.

It is also fair to ask whether the C.I.A. should rely heavily on the services of political refugees. It seems reasonable to suppose, for example, that an exile from his homeland, especially one who has passionate convictions about the course of events there, may not be the best person to assess these events. Again, I hope that I will not be misunderstood. I do not mean to impugn in the slightest the enormous amount of valuable work done by exiles and refugees in the C.I.A. Without their help, as in the case of the ex-military men, the organization simply could not function as it should. Neither do I mean to suggest that C.I.A. should be staffed with "soft-liners" or people who have had no personal experience with the countries in question. That would be absurd. But I do think that by every recommendation of common sense we must be certain of the *objectivity and breadth of our Intelligence.*

This raises the question of the structure of the Intelligence community and of Intelligence evaluation—the question of how best to organize the interpreting of the enormous amount of material collected daily by all agencies of the Intelligence community.

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The phrase "Intelligence community" embraces the numerous agencies within the executive branch which are concerned with Intelligence collection and evaluation: the C.I.A., the Defense Intelligence Agency, the State Department's Bureau of Intelligence and Research, the Intelligence branches of the Armed Services, the National Security Agency, the Atomic Energy Commission, and others. The daily chore of coordinating and cross-checking daily Intelligence data is largely in the hands of the Defense Intelligence Agency. The long-range estimates are prepared under the direction of the Board of National Estimates, which presides as a kind of general planning staff for the Intelligence community. Estimates prepared by this group are submitted to a committee known as the U.S. Intelligence Board. If the Board of Estimates is the planning board for the community, the Intelligence Board is its board of directors. It is the final forum for the professional Intelligence community; its judgments go to the National Security Council.

Two aspects of this system in particular are worth noting. The first is the preeminence of the Central Intelligence Agency. A high proportion of the Intelligence community's fact gathering is done by C.I.A. The Board of National Estimates functions as a part of C.I.A. The chairman of the U.S. Intelligence Board is the Director of the C.I.A. And the Intelligence community's spokesman on the National Security Council itself is that same C.I.A. Director.

The second aspect worth noting is the duality of C.I.A.'s role. Under the National Security Act this agency is not only one participant in the Intelligence community; it is also the chief agency responsible for coordinating it. In other words, at many points in the process of evaluation, C.I.A. is both player and umpire, both witness and judge. This ambiguity is implicit in the title of the Director, who is formally not the "Director of the Central Intelligence Agency," but simply "Director of Central Intelligence."

The problem this raises is clear. It is that the Central Intelligence Agency, being not merely central but *dominant* in the Intelligence community, is in an extraordinary position, so long as it is left unchecked to carry its special institutional tendencies into the shaping of American foreign policy.

I believe that these difficulties of unchecked power in the Intelligence community can be alleviated only by the Congress, which has the Constitutional responsibility to oversee the functions of the executive branch on behalf of the American people. Therefore, I propose the establishment in the Congress of a Joint Committee on Foreign Information and Intelligence. I propose that such a committee be constituted along the lines of the Joint Committee on Atomic Energy and that it have its own funds and staff. It should continuously inquire into our foreign information and Intelligence programs, including: (1) the relations between the Central Intelligence Agency and the State Department, especially overseas; (2) the relations between Intelligence gathering on the one hand and so-called Special Operations on the other; (3) the selection and training of Intelligence personnel; and (4) the whole question of Intelligence evaluation.

The proposal of a Joint Committee on Foreign Intelligence is not new. In one form or another it has been introduced into the House in each of the last ten sessions, though it has not been debated on the Floor. In the Senate, a bill to establish a Joint Committee, sponsored by Senator Mansfield in 1956, was debated for two days on the Floor of the Senate and defeated.

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Nor is the proposal partisan. At time of writing, there are fourteen Democratic and five Republican sponsors in the House. In 1959 resolutions were sponsored in the House by twelve Democrats and five Republicans. In the Senate in 1956, members on both sides of the aisle voted for Senator Mansfield's resolution—including the then junior Senator from Massachusetts, the late President Kennedy.

It is most often argued against the establishment of a "watchdog" committee that the secrecy of our Intelligence system would be endangered. The argument does not stand up. No one denies that the C.I.A. and the other Intelligence agencies must conduct a very high proportion of their work in secret; secrecy is of the essence in their work. But what is true of the Intelligence community is also true in many other areas of government—in the fields of atomic energy, weapons development, and, in some respects, foreign policy. But does this mean that Congress is to have no effective authority in those areas? Of course it does not, for Congress has such authority. It has always asserted its right, indeed its Constitutional duty, to oversee even the most sensitive areas of Government. And where matters of the highest secrecy have been involved, Members of both Houses have shown themselves capable of exercising the utmost restraint. This was never more clearly demonstrated than during the Manhattan Project in World War II, when members of the two appropriations committees were kept apprised of work on the atomic bomb without breaking security. The record of the Joint Committee on Atomic Energy in this connection has been impeccable.

Moreover, the C.I.A. is even now monitored, *in theory*, by four small subcommittees of the committees on Armed Services and Appropriations of the Senate and House. Not even the most experienced and security-conscious officials in the Intelligence community would deny these subcommittees—had they time to apply for it—access to the pertinent information that might enable them conscientiously to provide the vast sums of money that are requested year after year. But apparently the notion exists that if the whole matter is kept on the lowest possible level of Congressional concern, secrecy will receive a higher degree of respect. There is no logic in the notion. I should think just the opposite would be true.

I find myself in even less sympathy with another argument advanced frequently in discussions of this question—namely, that the Intelligence community exists solely to serve the President and the National Security Council, and that therefore we in the Congress have no right to exercise jurisdiction in the matter. But clearly the executive and legislative branches of our government are not watertight compartments separated by steel bulkheads; the material between them is flexible and porous. There are any number of Congressional Committees which keep a watch over the executive agencies. And, as I have already said, it is not only their right to do so; it is their duty under the Constitution.

These arguments concerning secrecy and the exclusively executive nature of the Intelligence function are, though unpersuasive, at least consistent. But strangely enough, those who oppose the idea of a Joint Committee insist as well that Congressional surveillance

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is already more than adequate. This contention was made by Allen Dulles in his recent book and by President Kennedy in answer to a question at his October 9 press conference.

What, in fact, is the present extent of Congressional surveillance over Intelligence activities? As mentioned, in both the House and Senate the bodies responsible for overseeing the Intelligence community are subcommittees of the Appropriations and Armed Services committees. Neither the House Foreign-Affairs Committee nor the Senate Foreign-Relations Committee has jurisdiction in this area despite their obvious interest in Intelligence matters. This might not matter were it not that the surveillance exercised by the four existing subcommittees is both cursory and sporadic.

At the time I introduced the Resolution proposing the Joint Committee and spoke on the Floor of the House in favor of it, Congressman Walter Norblad of Oregon, the second-ranking Minority member of the House Committee on Armed Services, had this to say:

"Mr. Speaker, I want to associate myself with the gentleman's remarks. I think we should have had a joint committee to monitor the C.I.A. when it was first established. I have had a little experience in the matter as a Member of the Committee on Armed Services. As you may know, we have a subcommittee on the C.I.A. I was a member of that committee for four years. We met annually—one time a year, for a period of two hours in which we accomplished virtually nothing. I think a proposal such as [Mr. Lindsay has] made is the answer to it because a part-time subcommittee of the Armed Services Committee, as I say, which meets for just two hours, one day a year, accomplishes nothing whatsoever. I want to compliment the gentleman on his proposal."

The reasons for the lack of adequate check and examination are almost self-evident: the members of the four subcommittees themselves, by definition, have relatively low status. But even had those subcommittees both status and time, the difficulties involved in dividing jurisdiction among the four would, I think, be insuperable.

It should be clear from what I have said that the bipartisan proponents of a Joint Committee on Foreign Information and Intelligence are fully aware that a high degree of secrecy is essential to the workings of the Intelligence community. Neither I nor any legislator wishes to see the legitimate secrets of the Intelligence community reported in the press and on the air. Indeed, this seems far more likely to occur under present conditions because the press, sometimes called "the fourth branch of the government," may turn out to be the only effective check on Intelligence activities—and that check could be dangerous as well as disruptive. But danger and disruption are certain if public confidence in the Intelligence establishment erodes. It is less likely if a body of the people's representatives, properly constituted and carefully chosen by the leadership of the two Houses of Congress, remains continuously aware of the activities of the Intelligence community. The performance of this function is nothing less than their duty to the American people, whose lives and liberties are profoundly involved in the Intelligence activities of our government.

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Finally, I would observe that such a joint Congressional Committee would perform a useful, perhaps an indispensable, service for the Intelligence community itself. There has been a tendency to assign the burden of blame to the C.I.A. when some foreign undertakings have gone bad or failed altogether. Whether the blame has been justified—as in some cases it may have been—or whether unjustified, the liability to blame is apparent, and the C.I.A., unlike other less inhibited agencies, can do little to defend itself. A joint committee could do much to maintain the record fairly.

As the central government grows in size and power, and as the Congress, like parliaments everywhere, tends to diminish in importance, the need for countervailing checks and balances becomes all the more important. The shaping and implementation by secret processes of some part of foreign policy is an extremely serious matter in a free society. It cannot be shrugged off or stamped as an inescapable necessity because of the dangers of the time and the threat from present enemies of democracy. To do so is to deny our history and to gamble dangerously with our future. There are internal as well as external dangers. Free political systems and individual liberties can be swiftly undermined. Confidence in the systems and liberties themselves can be lost even more swiftly. And when that happens to a free society, no foreign policy, however well conceived, will protect its highest interest, the continuation of the free system of government and the society on which it rests.

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